

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA, Plaintiff, v. DEVIN WARREN SIZEMORE, Defendant.	Case No. CR-21-138-Raw
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ORDER

Before the court is the Government's motion in limine to exclude the testimony of Dr. Clem or alternatively to conduct a *Daubert* hearing prior to allowing his testimony [Docket No. 172]. As the Defendant gives notice in his response that he is not going to call Dr. Clem [Docket No. 176], the motion is MOOT.

Also before the court is the Government's motion to compel discovery [Docket No. 171], seeking amended notices of experts for Dr. LaPoint, Dr. Leo, and Dr. Andrejczyk-Beatty or alternatively an order precluding them from testifying. In his response [Docket No. 178], the Defendant gives notice that he is not going to call Dr. Leo. He also argues that he is not required to comply with Rule 16(b)(1)(C), as he has not requested disclosure under subdivision (a)(1)(G) and has withdrawn his notice under Rule 12.2(b). Fed. R. Crim. P. 16(b)(1)(C)(i) and (ii). Nevertheless, the defendant filed a supplemental notice as to Dr. LaPoint [Docket No. 177]. He also informs the court that he has provided everything in his possession with regard to Dr. Andrejczyk-Beatty and that he has made several unsuccessful attempts to connect with Dr. Andrejczyk-Beatty to obtain additional information. Accordingly, this motion is also MOOT.

IT IS SO ORDERED this 23rd day of March, 2023.



**THE HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA**